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10/825,859	04/15/2004	Ronald Alan Morris	MS1-1976US	8205
22801 7590 10/14/2009 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER DUBASKY, GIGI L				
ART UNIT		PAPER NUMBER		
2421				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

### Office Action Summary

**Application No.**

10/825,859

**Applicant(s)**

MORRIS ET AL.

**Examiner**

GIGI L. DUBASKY

**Art Unit**

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 34-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Claim 33 has been cancelled.

Claims 1-32 and 34-39 are pending.

1. Applicant's arguments of the Remark filed on 06/29/2009 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26, 28-32 and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadus (US 2002/0144264) in view of Morioka et al (EP 1320257 A2) of submitted IDS in the record.

Regarding claim 1, Broadus discloses a user interface (UI) for output by a client and for display by a display device (§ [0019] and § [0041] lines 9-11), the UI comprising: a plurality of representations of content items (see Figure 5 and § [0062] for a EPG screen displays a plurality of media programs), wherein:

each said representation is selectable by a user to navigate to a corresponding said content item (¶ [0057]); and

each said content item has a duration when streamed for output by the client (see Figure 5-6 for each of element 506 aligns with the time axis 502 of EPG is proportional in length to the running time (a duration) of corresponding program); and  
at least one pictorial representation that corresponds to a respective said content item (¶ [0058] for displaying an indication of complete status as a numerical percentage, a ratio bar graph, a pie chart...); and indicates a time remaining in the duration of the respective said content item (see element 509 in Figures 5-6 and ¶ [0064] lines 1-7).

Broadus fails to disclose each representation comprising one or more image frames taken from a corresponding said content item.

Morioka discloses a system for displaying lists of TV programs which are scheduled to be broadcast from TV stations by showing programs titles together with captured representative program images respectively in the TV listing (see Figures 8-10 and ¶ [0005]-[0006] and ¶ [0033]-[0037]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Broadus' system with the teaching of Morioka about displaying a list of TV programs as thumbnails together with program titles, so to enable user to learn the mood or context of the scheduled program by referring to the thumbnail image of the program (¶ [0038]) in order to enhance user's viewing experience.

Regarding claim 2, Broadus in view of Morioka discloses the user interface as discussed in the rejection of claim 1. The combined system further discloses one or more said content items are stored in a storage device on the client (taught by Broadus; ¶ [0042] and ¶ [0047]).

Regarding claim 3, Broadus in view of Morioka discloses the user interface as discussed in the rejection of claim 1. The combined system further discloses one or more said content items are streamed from a head end (taught by Broadus; ¶ [0046], ¶ [0047] lines 1-3 and ¶ [0048] lines 1-3).

Regarding claim 4, Broadus in view of Morioka discloses the user interface as discussed in the rejection of claim 1. The combined system further discloses one said content item is stored in a stored device on the client (taught by Broadus; ¶ [0042] and ¶ [0047] for STB stores media programs automatically based on user's habit or based on user's request); and another said content item is streamed from a head end to the client (taught by Broadus; ¶ [0047] and ¶ [0048] lines 1-3).

Regarding claim 5, Broadus in view of Morioka discloses the user interface as discussed in the rejection of claim 1. The combined system further discloses the pictorial representation is displayable as a segment indicating the duration (taught by Broadus; see Figure 5-6 for each of element 506 (pictorial representation) aligns with

the time axis 502 of EPG is proportional in length to the running time (a duration) of corresponding program); and

the segment has a portion indicating an elapsed time and a portion indicating a time remaining in the output of the content (taught by Broadus; ¶ [0064]).

Regarding claim 6, Broadus in view of Morioka discloses the user interface as discussed in the rejection of claim 1. The combined system further discloses the pictorial representation is for display over the one or more image frames (taught by Morioka; see Figures 8-10).

Regarding claim 7, Broadus in view of Morioka discloses the user interface as discussed in the rejection of claim 1. The combined system further discloses the pictorial representation is for display adjacent to the corresponding said representation (taught by Broadus; see element 508 in Figure 5 and ¶ [0063]-[0064] for the completion status line 508 (interpreted as "pictorial representation") bisects element 506 representing a media program into an elapsed portion and a remaining portion. Therefore, element 508 is adjacent to element 506; also taught by Morioka; see Figures 8-10).

Regarding claim 8, Broadus in view of Morioka discloses the user interface as discussed in the rejection of claim 1. The combined system further discloses one or more said content items is a television program (taught by Broadus; ¶ [0062]; also taught by Morioka; ¶ [0005]-[0006]).

Regarding claim 9, Broadus in view of Morioka discloses the user interface as discussed in the rejection of claim 1. The combined system further discloses a set-top box (taught by Broadus; "STB 102" of Figures 1-4) comprising an EPG application having computer-executable instructions that, when executed, output the UI (taught by Broadus; ¶ [0040]-[0044]).

Regarding claim 10, Broadus discloses one computer-readable media encoded with computer-executable instructions (¶ [0026] lines 5-8) that, when executed on a computer, direct the computer to generate an EPG for output that describes a plurality of content items (¶ [0054]), wherein:  
the EPG includes a representation for each said content item (see Figures 5-7 for examples of a EPG screen); and  
at least one said representation has a corresponding pictorial representation that indicates elapsed time and time remaining in a stream, when output, of a respective said content item relative to a duration of the stream (see Figure 5 for element 508 bisects element 506 into an elapsed portion 507 and a remaining portion 509; or see

element 514 in Figure 6 which indicates an elapsed portion 507 and a remaining portion 509).

Broadus fails to disclose each representation comprising one or more image frames taken from a corresponding said content item.

Morioka discloses a system for displaying lists of TV programs which are scheduled to be broadcast from TV stations by showing programs titles together with captured representative program images respectively in the TV listing (see Figures 8-10 and ¶ [0005]-[0006] and ¶ [0033]-[0037]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Broadus' system with the teaching of Morioka about displaying a list of TV programs as thumbnails together with program titles, so to enable user to learn the mood or context of the scheduled program by referring to the thumbnail image of the program (¶ [0038]) in order to enhance user's viewing experience.

Regarding claim 11, all limitations of claim 11 are analyzed corresponding to claim 5. So, claim 11 is rejected on the same ground as claim 5.

Regarding claim 12, Broadus in view of Morioka discloses the computer-readable media as discussed in the rejection of claim 10. The combined system further discloses the representation is selectable by a user to navigate to a corresponding said content item (taught by Broadus; ¶ [0057]).



Regarding claim 13, all limitations of claim 13 are analyzed corresponding to claim 6. So, claim 13 is rejected on the same ground as claim 6.

Regarding claim 14, all limitations of claim 14 are analyzed corresponding to claim 7. So, claim 14 is rejected on the same ground as claim 7.

Regarding claim 15, all limitations of claim 15 are analyzed corresponding to claim 8. So, claim 15 is rejected on the same ground as claim 8.

Regarding claims 16-17, all limitations of claims 16-17 are analyzed corresponding to the all functionalities of computer-readable media of claim 10. So, claims 16-17 are rejected under the same rationale as claim 10. Furthermore, the combined system also discloses the data comprising text associated with and frames taken from each of the plurality of content items (taught by Morioka; see Figures 8-10).

Regarding claims 18-19, all limitations of claims 18-19 are analyzed corresponding to the all functionalities of computer-readable media of claim 11. So, claims 18-19 are rejected under the same rationale as claim 11.

Regarding claim 20, all limitations of claim 20 are analyzed corresponding to the all functionalities of computer-readable media of claim 12. So, claim 20 is rejected under the same rationale as claim 12.

Regarding claim 21, all limitations of claim 21 are analyzed corresponding to the all functionalities of computer-readable media of claim 13. So, claim 21 is rejected under the same rationale as claim 13.

Regarding claim 22, all limitations of claim 22 are analyzed corresponding to the all functionalities of computer-readable media of claim 14. So, claim 22 is rejected under the same rationale as claim 14.

Regarding claim 23, all limitations of claim 23 are analyzed corresponding to the all functionalities of computer-readable media of claim 15. So, claim 23 is rejected under the same rationale as claim 15.

Regarding claim 24, Broadus in view of Morioka discloses the computer-readable media as discussed in the rejection of claim 16. The combined system further discloses EPG is further configured to display one or more characteristics of the plurality of content items selected from the group consisting of: a title; a story line; a textual description; a critic's opinion; a review; a duration; a start time; a stop time; an elapsed

time in the output of the content; a time remaining in the output of the content; a rating; and any combination thereof (taught by Broadus; see Figures 5-7).

Regarding claim 25, Broadus in view of Morioka discloses the computer-readable media as discussed in the rejection of claim 16. The combined system further discloses determining a start time and a duration of the streaming from the EPG data (taught by Broadus; ¶ [0061] lines 1-5); querying a timer (taught by Broadus; see element 416 in Figure 4) to determine a current time (taught by Broadus; ¶ [0060]); and configuring the pictorial representation based on the start time, the duration, and the current time (taught by Broadus; ¶ [0061]).

Regarding claim 26, Broadus in view of Morioka discloses the computer-readable media as discussed in the rejection of claim 16. The combined system further discloses the content is received at a client from the head end (taught by Broadus; ¶ [0027] lines 1-4); and the pictorial representation indicates the current progress state in recordation of the plurality of content at the client (taught by Broadus; ¶ [0058]-[0061] for the complete status component 414 of STB 102 in Figure 4 generates a complete status indication and adds it to EPG 408 for one or more media programs).

Regarding claim 28, Broadus in view of Morioka discloses the computer-readable media as discussed in the rejection of claim 16. The combined system further discloses the generating is performed by a client (taught by Broadus; ¶ [0054] for generating the EPG by the STB).

Regarding claim 29, Broadus in view of Morioka discloses the computer-readable media as discussed in the rejection of claim 16. The combined system further discloses a computer-readable media comprising computer-executable instructions (taught by Broadus; ¶ [0026] lines 5-8).

Regarding claim 30, Broadus discloses one or more computer-readable media having computer-executable instructions stored thereon that, when executed, perform acts comprising:

receiving and recording by a client a plurality of content items (¶ [0048] lines 1-3) described in an electronic program guide (EPG) (see Figures 5-7) and streamed from a head end to a client (¶ [0027] lines 1-5 and ¶ [0030]); and

generating a plurality of pictorial representations, each of the plurality of pictorial representations quantifying a current receipt and recordation progress for each corresponding content item streamed from the head end (¶ [0058]-[0061] for the complete status component 414 of STB 102 in Figure 4 generates a complete status indication and adds it to EPG 408 for one or more media programs).

Broadus fails to disclose displaying one or more image frames associated with each of the plurality of content items.

Morioka discloses a system for displaying lists of TV programs which are scheduled to be broadcast from TV stations by showing programs titles together with captured representative program images respectively in the TV listing (see Figures 8-10 and ¶ [0005]-[0006] and ¶ [0033]-[0037]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Broadus' system with the teaching of Morioka about displaying a list of TV programs as thumbnails together with program titles, so to enable user to learn the mood or context of the scheduled program by referring to the thumbnail image of the program (¶ [0038]) in order to enhance user's viewing experience.

Regarding claim 31, Broadus in view of Morioka discloses the computer readable media as discussed in the rejection of claim 30. The combined system further discloses each of the plurality of the pictorial representations quantifies how much of each corresponding content item has and has not been received and recorded by the client (taught by Broadus; ¶ [0064]).

Regarding claim 32, Broadus in view of Morioka discloses the computer readable media as discussed in the rejection of claim 30. The combined system further discloses at least one said content item is a TV program for playback at the client (paragraph [0062]).

Regarding claim 34, Broadus discloses a client comprising:

- an input interface (element 302 in Figure 3) for receiving one or more of a plurality of content items (paragraph [0038] lines 1-6);
- an output interface (element 308 in Figure 3 performs the same functions as an output interface) for providing an output to a display device (paragraph [0041]);
- a processor (element 312 in Figure 3; and paragraph [0044]); and
- memory (elements 310 and 306 in Figure 3) configured to maintain an EPG for output at the output interface (paragraph [0043]), wherein the EPG comprises at least one content-progress indicator that corresponds to a progress of receipt by the client of a respective one of a plurality of content items (see elements 508 and 514 in Figures 5-6 as "content-progress indicator" that corresponds to a respective element 506 representing a plurality of media programs), wherein each said content item has a duration when streamed for output at the output interface (see Figure 5-6 for each of element 506 aligns with the time axis 502 of EPG is proportional in length to the running time (a duration) of corresponding program); and is displayable as a pictorial representation (element 508 in Figure 5 or element 514 in Figure 6) indicating elapsed time and time remaining in the stream of the respective one said content item relative to

duration of the stream of the respective one said content item (see Figure 5 for element 508 bisects element 506 into an elapsed portion 507 and a remaining portion 509; or see element 514 in Figure 6 which indicates an elapsed portion 507 and a remaining portion 509).

Broadus fails to disclose each representation comprising one or more image frames taken from a corresponding said content item.

Morioka discloses a system for displaying lists of TV programs which are scheduled to be broadcast from TV stations by showing programs titles together with captured representative program images respectively in the TV listing (see Figures 8-10 and ¶ [0005]-[0006] and ¶ [0033]-[0037]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Broadus' system with the teaching of Morioka about displaying a list of TV programs as thumbnails together with program titles, so to enable user to learn the mood or context of the scheduled program by referring to the thumbnail image of the program (¶ [0038]) in order to enhance user's viewing experience.

Regarding claim 35, Broadus in view of Morioka discloses the client as discussed in the rejection of claim 34. The combined system further discloses the memory is further configured to maintain the content (taught by Broadus; ¶ [0043]).

Regarding claim 36, Broadus in view of Morioka discloses the client as discussed in the rejection of claim 34. The combined system further discloses the content item is broadcast (taught by Broadus; ¶ [0025] and ¶ [0028] lines 4-9); and the input interface is a tuner for receiving the broadcast content item over the network (taught by Broadus; ¶ [0038] lines 1-6) and the EPG from a carousel file system (taught by Broadus; ¶ [0052] lines 1-3 for media program schedule information 404 is retrieved from the database 120 at periodic interval).

Regarding claim 37, Broadus in view of Morioka discloses the client as discussed in the rejection of claim 34. The combined system further discloses the network is an Internet (taught by Broadus; see "Internet 112" in Figure 1 and paragraph [0031]).

Regarding claim 38, Broadus in view of Morioka discloses the client as discussed in the rejection of claim 34. The combined system further discloses the pictorial representation is displayable as a segment representing the duration (taught by Broadus; see Figure 5-6 for each of element 506 (pictorial representation) aligns with the time axis 502 of EPG is proportional in length to the running time (a duration) of corresponding program), the segment having a portion indicating the elapsed time and a portion indicating the time remaining (taught by Broadus; ¶ [0064]).

Regarding claim 39, all limitations of claim 39 are analyzed corresponding to claim 30. So, claim 39 is rejected on the same ground as claim 30.



4. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broadus (US 2002/0144264) in view of Morioka et al (EP 1320257 A2) of submitted IDS in the record and further in view of Grooters (US 6684399).

Regarding claim 27, Broadus in view of Morioka discloses all limitations of the method as discussed in the rejection of claim 16.

However, Broadus in view of Morioka does not explicitly disclose the generating of EPG is performed at the head-end communicating the EPG from the head-end to a client.

Grooters discloses the generating of EPG is performed at the head-end communicating the EPG from the head-end to a client (see flow chart of Figure 3).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined system of Broadus and Morioka with the generating the EPG at head-end and transmitting to the client as taught by Grooters, so to provide an alternative way of generation of the EPG in order to increase the storage capacity in STB by not storing the EPG itself.

### ***Conclusion***

5. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 09/15/2009 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS**

**MADE FINAL.** See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). 33A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **GIGI L. DUBASKY** whose telephone number is (571)270-5686. The examiner can normally be reached on Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KIEU-OANH BUI/  
Supervisory Patent Examiner, Art Unit 4143

GD